PATENT APPLICATION 

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Attorney Docket No. 04118/LH

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Makoto OOKI

Serial No. : 10/789,156

Filed

: February 27, 2004

For

: IMAGE FORMING APPARATUS

AND IMAGE FORMING METHOD

Catherine Bacon

sufficient postage as First Class mail in an envelope

addressed to: Director of the

U.S. Patent and Trademark Office,

PO Box 1450, Alexandria, VA 22313

Dated: November 16, 2005

oh the date noted below.

ATTENTION: MAIL STOP 16 - REFUNDS

OFFICE OF FINANCE ACCOUNTING DIVISION

### REQUEST FOR REFUND

BEST AVAILABLE COPY

Director of the U.S. Patent and Trademark Office

SIR:

Attached hereto is a highlighted copy of our September 2005 Monthly Statement of Deposit Account 06-1378. The \$400 fee, charged on September 27, 2005 (Control No. 1, Fee Code 1201) for two additional independent claims, is respectfully submitted to be in error for the following reason.

Enclosed is a copy of the first page, along side of page 11, of the Amendment faxed to the USPTO on May 26, 2005. As noted in the CLAIM FEE paragraph on page 11; there were a total of 23 claims in the application, of which 6 were independent. At that time, payment was authorized via credit card to cover two additional independent claims. Enclosed is a copy of Form PTO-

### **BEST AVAILABLE COPY**

2038 with the appropriate page from our credit card statement showing the fee was paid on May 26, 2005.

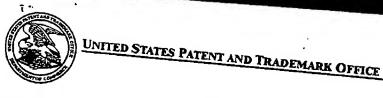
Further, a copy of the first page, along side of page 10, of the Amendment faxed to the USPTO on September 14, 2005 is enclosed. As noted in THE CLAIMS paragraph, there are still six independent claims, namely claims 22, 23, 40, 41, 43 and 44. no new claims had been added, no charge to the 'undersigned's Deposit Account was required because the fee to include six independent claims was paid on May 26, 2005.

Therefore, it is respectfully requested that the Patent Office immediately credit the unnecessary \$400 fee, charged in error on September 27, 2005, to Deposit Account 06-1378.

Respectfully submitted,

Douglas Holtz Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C. 220 Fifth Avenue - 16th Floor New York, New York 10001-7088 Tel. No. (212) 319-4900 Facsimile No. (212) 319-5101 DH:cb



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.mapto.gov

## MONTHLY STATEMENT OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

FRISHAUF, HOLTZ, GOODMAN & CHICK, P.C. ATTN CATHERINE BACON 220 FIFTH AVENUE, 16TH FLOOR FINA NEW YORK NY 10001-7708

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PLEASE SEND REMITTANCES TO: U. S. Patent and Trademark Office P.O. Box 70541 Chicago, IL 60673

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Customer No. 01933

Attorney Docket No. 04118/LH

IN THE UNITED STATES PATENT AND TRADEMAKE OFFICE

Serial No. : 10/789,156 Applicant(s): Makoto OOKI

February 27, 2004

2876 IMAGE FORMING APPARATUS AND IMAGE FORMING METHOD

Art Unit

Examiner : Edwyn Labaze

P.O. Box 1450 Commissioner for Patents TON BILLY YOUNGHOODS

Alexandria, VA 22313-1450

In the event-that this Paper is pecifican for extension of time hot tiled concursity in the areas as a Petition for extension this extension of the extension o Dated: May 26, 2005 Nalini P. Sahadeo I hereby certify that this paper is being Iecoimile transmitted to the Commissioner for Patents on the date noted helow. Amendment (14) TOTAL PAGES: 19 CERTIFICATE OF FACSIMILE TRANSMISSION TO NO. 1-703-872-9306 D. Schade

Application No. 10/789,156 Amendment filed with RCE

Customer No. 01933

in the specification at, for example, page 40, line 13 to page

and 41, and the addition of claims 43 and 44 be approved and requested that the amendments to claims 22, 23, 25, 26, 40 No new matter has been added, and it is respectfully

## CLAIM FEE

determined to be required to Account No. 06-1378. hereby given to charge any additional fees which may be in total is attached hareto. In addition, authorization is for the addition of 2 extra independent claims and 2 extra claims independent. Accordingly, a claim fee in the amount of \$500.00 claims. The application now contains 23 claims, of which 6 are were independent, and the appropriate claim fee was paid for such The application previously contained 21 claims, of which 4

# THE PRIOR ART REJECTION

hereinabove. respectfully traversed with respect to the claims as amended by USP 5,199,081 ("Saito et al"). This rejection, however, as remained finally rejected under 35 USC 102 as being anticipated In the Advisory Action dated, May 4, 2005, claims 22-42

24-39 and 42 are maintained; and claims 43 and 44 are added. canceled; claims 22, 23, 25, 26, 40 and 41 are amended; claims Claims which begins on page 2 of this paper. Claims 1-21 are

Remarks begin on page 10 of this paper.

month by petition filed concurrently herewith to June 4, 2005. May 4, 2005, the term for response to which is extended by one March 22, 2005, within two months), and the Advisory Action dated

Amendments to the Claims are set forth in the listing of

mailed January 26, 2005 (a response to which was filed on

for Continued Examination in response to the Final Office Action

This Amendment is being filed concurrently with a Request

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SIR: Alexandria, VA 22313-1450 Commissioner for Patents P.O. Box 1450

June 14, 2005, the term for response to which expires on This is responsive to the Office Action mailed

amended; and claims 24-28, 31-39 and 42 are maintained. and 30 are canceled; claims 22, 23, 40, 41, 43 and 44 are claims which begins on page 2 of this paper. Claims 1-21, 29 September 14, 2005. > Remarks begin on page 10 of this paper. Amendments to the Claims are set forth in the listing of

Customer No. 01933

Application No. 10/789,156 Response to Office Action

CERTIFICATE OF FACSIMILE TRANSMISSION TO NO. 1-571-273-8300

Property:

Examiner . : Edwyn Labaze

MENDARM

Art Unit

2876

Filed Serial No.

February 27, 2004

10/789,156

IMAGE FORMING APPARATUS

AND IMAGE FORMING METHOD

Applicant(s): Makoto OOKI IN THE UNITED STATES PATENT

Attorney Docket No.

HT/812b0

Application No. 10/789,156 Response to Office Action

In the event that this Paper is late filled, and the necessary perition for extension of time has evident for extension of the has evident place consider this extension of time, and to the pro-2038 attached hereto. Dated: September 14, 2005

I hereby dertify that this paper is being faceimile to the Committed to the Committeloner TOTAL PAGES: 14 Chart (14) date noted below.

respectfully requested.

Reconsideration of this application, as amended, is

REMARKS

Customer No. 01933

for example, Figs. 2 and 3. (See also now canceled claims 29 in the specification at, for example, page 19, lines 3-15, and, set via an operation setting unit, as supported by the disclosure reference value, and that the identification reference value is obtained from the area of the input image and an identification identifies the area of the input image based on image data amended to clarify that the (first) identification unit THE CLAIMS Independent claims 22, 23, 40, 41, 43 and 44 have begn.

be approved and entered. requested that the amendments to claims 22, 23, 40, 41, 43 and 44 No new matter has been added, and it is respectfully

# THE PRIOR ART REJECTION

This rejection, however, is respectfully traversed with respect to the claims as amended hereinabove. anticipated by USP 5,199,081 (previously cited "Saito et al"). Claims 22-44 were rejected under 35 USC 102 as being United States Patent and Trademark Office - Sales Receipt -

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Adjustment Date: 12/19/2005 SDIRETA1 09/27/2005 TOKON1 00000001 061378 10789156